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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): 1176/209

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on February 11, 2008

Signature: /Julie Nguyen/

Typed or printed name: JULIE NGUYEN

Application Number	Filed
10/828,761	April 20, 2004

First Named Inventor: Ho et al.

Art Unit	Examiner
2629	Abdulselam, Abbas I.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- [ ] applicant/inventor.
- [ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- [x] attorney or agent of record. Registration number 32,822
- [ ] attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

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February 11, 2008
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- [ ] *Total of _____ forms are submitted.

PATENT
Docket No.: 1176/209

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Julie Nguyen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Ho, et al.

Serial No.: 10/828,761

Filing Date: April 20, 2004

For: DUAL-DISPLAY PANEL MODULE WITH A SHARED ASIC CHIP

Examiner: Abdulselam, Abbas I.

Group Art Unit: 2629

EXPEDITED PROCEDURE

ARGUMENTS IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

In connection with the Notice of Appeal to the Board of Patent Appeals and Interferences from the Final Office Action dated October 9, 2007, and the Pre-Appeal Brief Request for Review concurrently filed herewith, Applicant hereby submits arguments in support of such Request.

ARGUMENTS

Applicant presented detailed arguments in the earlier responses (including a Supplemental Response) to the Final Action, filed on December 10, 2007 and January 9, 2008, which arguments are fully incorporated by reference herein. Applicant herein emphasizes some of those arguments, provides additional arguments, and responds to the Examiner's comments in the Advisory Action.

Summary of the Invention

The present invention is directed to an electronic device incorporating a dual-display panel module that shares a driver by operatively coupling the driver to a common connection between two displays. The dual-display panel module includes a primary-display panel module and a secondary-display panel module. In one embodiment, the connector **electrically connects** to the respective ends of the primary and secondary display panels. Via this electrical connection, electrical traces are supported, which are electrically coupled to the outputs of the driver. The common driver facilitates

control of both primary and secondary display panels. In one embodiment, **the connector is a flexible printed circuit board (FPCB)**.

Applicant notes that as is well understood in the art, a **FPCB is a passive electrical circuit or traces** formed and supported (i.e., "printed") on a non-conductive flexible substrate. The FPCB is used to mechanically support and electrically connect active components, such as the driver. In the disclosed embodiment, the driver is an ASIC formed on the FPCB connector by a chip-on-flex (COF) method.

The connector in the form of a flexible printed circuit board, in and by itself inherently as well as **specifically illustrated in FIG. 4 in the specification**, does not have any switches within the flexible printed circuit board, such that the flexible printed circuit board is independent of any switches, as shown in the embodiment of FIG 4.

Claim Rejections Under 35 USC 112

Claim Rejection under 35 U.S.C. 112, first paragraph

The specification has been earlier amended to include recitation of the limitation "the connector is independent of any switches". This does not add any new matter to the specification. However, the Examiner noted in the Advisory Action dated February 4, 2008, such inherent structure (i.e., FPCB independent of any switches) was not originally disclosed in the specification as filed. Applicant respectfully disagrees.

As is the inherent nature of a FPCB, as well as further **specifically illustrated in the embodiment of FIG. 4**, for example, the flexible printed circuit board is **independent of any switches**. Applicant proposed to amend the specification at page 9 to recite: "The connector can be substantially flexible, such as a FPCB (flexible printed circuit board) 362, which in and by itself inherently does not have any switches within the flexible printed circuit board, such that **the flexible printed circuit board is independent of any switches, as shown in the embodiment of FIG 4**." The inherent nature of a FPCB does not include switches. **And further, as specifically illustrated in FIG. 4**, a FPCB does not include switches. It is a dump circuit with traces supported on a substrate. Accordingly, Applicant's specification as originally filed contained an enabling disclosure of an FPCB. It follows that Applicant's proposed amendment herein **does nothing more than provide language that is supported by the original specification.**

Applicant notes that **not all the independent claims rely on the recitation of "independent of any switches"**, as further discussed below.

Claim Rejection under 35 USC 102

Applicant incorporates by reference all arguments presented in the earlier response after final. Such arguments would not be repeated in the present response, except where appropriate to re-emphasize the distinguishing structures of the claimed invention.

Claim 15 specifically requires "a connector **electrically coupling** the primary display module and the secondary display module". Referring to Fig. 7 in Toba, the Toba circuit does not provide electrical coupling between two display modules. Instead, the circuit in Toba selectively directs driver signals alternately to the two displays 5 and 11. Switches 27 and 28 are used to selectively provide driver input to one of the display units 5 and 11. These switches 27 and 28 are therefore **for isolation between two display channels**. As such, the two display units 5 and 11 **cannot be electrically coupled to each other** in the presence of the **isolation switches** 27 and 28. Therefore, the structure of the Toba circuit would not anticipate claim 15.

Claim 15 further requires "the connector is **independent of any switches**." In the disclosed embodiment, the connector, which can be a flexible printed circuit board or FPCB, is without any switches.

Even if the recitation "independent of any switches" is deemed to be new matter not supported by the original specification, Toba still does not anticipate claim 15 because it does not disclose electrically coupling of two displays.

Claim 15 and all the claims dependent therefrom are therefore not anticipated by Toba.

Claim Rejections Under 35 USC 103

Independent claims 1 and 8 do not recite "independent of any switches". Therefore, there is **no new matter issue** with respect to claims 1 and 8.

Independent claims 1 and 8 each recites "a connector **electrically connecting** the primary display module and secondary display module, wherein the connector is **a flexible printed circuit board**". As noted above, Toba does not teach **electrically connecting** the primary and secondary display modules 5 and 11.

Further, Toba does not teach specifically using a **flexible printed circuit board** to **electrically connect** a primary display module and a secondary display module. The Examiner

earlier conceded to such deficiency in Toba. In fact, the Examiner specifically stated that Toba does not teach the connector is a flexible printed circuit board. (See, page 7 in the Office Action.)

Aoki however does not make up for the deficiencies of Toba. Aoki likewise does not teach the use of a flexible printed circuit board to electrically connect a primary display module and a secondary display module. Aoki merely discloses that a flexible printed circuit board may be connected to a side of a liquid crystal display panel, **but not electrically interconnecting two displays**. Consequently, even if Aoki can somehow be combined with Toba, such combination would not obtain the present invention as defined in previously presented independent claims 1 and 8.

Accordingly, even without specific reference to "independent of switches" for the recited connector in claims 1 and 8 (specifically FPCB connector recited in claim 1), given a reasonable construction of the recited connector in the context of the present invention (i.e., **connector interconnecting two displays**), these claims are not rendered obvious by Toba and Aoki.

Applicant respectfully submits that the Examiner erred by construing the claims out of context of the specification. There is no teaching, suggestion, motivation, or any apparent reason to combine Toba and Aoki, Sekura or Jacobsen, respectively, in the first place, and no predictable result is yield by such combination. In fact, Toba teaches away from using a FPCB to interconnect two displays. Toba specifically require switches, in addition to drivers, which switches are provided between the two displays in order to be able to selectively direct driver signals to one of the display units 5 and 11. There is no indication anywhere in Toba and Aoki, how a flexible printed circuit board **without any switches** may be incorporated in Toba to achieve the intended purpose in Toba, or for any other purpose for that matter. There is no indication anywhere that Toba should be modified to remove the switches 27 and 28, and instead adopt a FPCB to **electrically connect** the display units 5 and 11. There is therefore no apparent reason to combine Toba with either Aoki, Sekura or Jacobsen, respectively, since there is no justifiable reason to the switches in Toba with a flexible printed circuit board **without switches**, and further to **electrically connect** two displays. The claimed invention therefore involves more than the predictable use of prior art elements according to their established function.

A prima facie case of obviousness therefore has not been established by the Examiner. To find otherwise would require hindsight bias, which has been cautioned by the Supreme Court: "A factfinder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of arguments reliant upon *ex post* reasoning."; KSR v. Teleflex, 127 S. Ct. 1727, 1741 (2007). The Examiner has not given articulated reason for combination or modification of art

applied in the rejection, other than a conclusory statement ("Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Toba's switches with Aoki's flexible printed circuit board, because the use of flexible printed circuit board helps constitute a liquid crystal display device as taught by Aoki.) The Supreme Court re-emphasized that conclusory statements do not sustain an obvious rejection; "instead, there must be articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, at 1741. And from the Memo of May 3, 2007, to the PTO Tech. Center Dirs.: "Therefore, in formulating a rejection under 35 U.S.C. 103(a) based upon a combination of prior art elements it remains necessary to identify the reasons why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed." The foregoing examination guidelines for determining obviousness have recently been specifically documented in Fed. Reg., Vol. 72., No. 195, pp. 57526 etc.

Accordingly, Claims 1, 4-8 and 11-21 are therefore not anticipated by Toba taken alone, or rendered obvious by Toba in combination with other references.

Respectfully submitted,

Dated: February 11, 2008

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